

David Terzian, Rawls McNelis & Mitchell, Richmond, VA, for petitioners.
Heather L. Pearlman, U.S. Department of Justice, Washington, D.C., for respondent.

On February 6, 2008, Michael B. Waters and Kim K. Waters (“petitioners”) filed a petition on behalf of their son, K.S.W., pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-1 to -34 (2006). Petitioners alleged that K.S.W. suffered from a refractory mixed seizure disorder that was caused-in-fact by his receipt of the Pediarix vaccine (containing diphtheria tetanus acellular pertussis (“DTaP”), hepatitis B (Hep B), and inactive polio virus (“IPV”) vaccines), the pneumococcal conjugate vaccine (“Prevnar”), and the

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

haemophilus influenza type B (“HiB”) vaccine on February 19, 2005. On January 7, 2014, the undersigned issued a decision denying compensation to petitioners.

On April 25, 2014, the parties filed a Stipulation of Fact Concerning Attorneys’ Fees and Costs. According to the stipulation, the parties stipulate to an award to petitioners of attorneys’ fees and costs in the amount of \$200,734.36. In accordance with General Order #9, petitioners’ counsel represents that petitioners advanced \$734.36 in out-of-pocket expenses in pursuing their petition.

The Vaccine Act permits an award of reasonable attorneys’ fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of the parties’ stipulation, the undersigned **GRANTS** the request for approval and payment of attorneys’ fees and costs.

Accordingly, an award should be made as follows:

in the form of a check jointly payable to petitioners and to Mr. David Terzian, of the law firm of Rawls McNelis & Mitchell, in the amount of **\$200,000.00**; and

in the form of a check payable to petitioners only in the amount of **\$734.36**.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties’ stipulation.³

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties’ joint filing of notice renouncing the right to seek review.